

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

FMTB BH LLC,

Debtor.

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FMTB BH LLC,

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

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**SECOND AMENDED
ADVERSARY PROCEEDING
DISCOVERY PLAN AND
SCHEDULING ORDER**

Chapter 11

Case No. 18-42228-CEC

Adv. Pro No. 18-01052 (CEC)

This Adversary Proceeding Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. This case is not to be tried to a jury.
2. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by October 15, 2018.
3. Fact Discovery
 - a. All fact discovery shall be completed by May 10, 2019.
 - b. Requests to admit shall be served by May 10, 2019.
 - c. Any of the interim deadlines in paragraphs 3(a) through 3(b) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 4.

4. **ALL DISCOVERY SHALL BE COMPLETED BY MAY 10, 2019.**
5. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.
6. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.
7. This Civil Case Discovery Plan and Scheduling Order may not be modified, or the dates herein extended without leave of the Court, except as provided in paragraphs 3(c).
8. The next pre-trial conference is scheduled for at May 22, 2019.

**Dated: Brooklyn, New York
April 4, 2019**





Carla E. Craig
United States Bankruptcy Judge